

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 CHARLES RUST TIERNEY )

Criminal No. 1:07mj161

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USMS, Pretrial

ORDER

The matter came before the Court on defendant's emergency motion to set bond and conditions of release pending trial. The charges in this case give rise to a rebuttable presumption under 18 U.S.C. § 3142(f)(1) that no condition or combination of conditions will reasonably assure the safety of the community. Following the presentation of proffers as to evidence and the arguments of counsel, based on a *de novo* review of the record as a whole, and pursuant to 18 U.S.C. § 3142, the Court finds that this presumption has not been rebutted given (i) the nature and seriousness of the offense; (ii) the strength of the evidence against defendant; (iii) the fact that defendant may represent a substantial or serious risk of danger to the community; and (iv) the risk of flight. Moreover, even assuming, the presumption has been rebutted, there is clear and convincing evidence that there are no conditions that will reasonably assure the appearance of defendant and the safety of the community.

Accordingly, for these reasons, and for the reasons stated from the Bench,

It is hereby **ORDERED** that the defendant's emergency motion to set bond and conditions of release pending trial is **DENIED**. Accordingly, defendant is committed to the custody of the Attorney General or his designated representative for confinement in an appropriate corrections facility and, to the extent practicable, separate and apart from persons awaiting or serving sentences

or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with his counsel. On order of a court of the United States or on request of an attorney for the government, the persons in charge of the designated corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk is directed to send a copy of this Order to the Marshals Service, the Pretrial Services Office and all counsel of record. /

/s/

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T. S. Ellis, III

United States District Judge

Alexandria, VA  
March 9, 2007

